



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

**MAR 18 2004**

DOT-E 13117  
SECOND REVISION

EXPIRATION DATE: December 31, 2004
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: TEN-E Packaging Services  
Newport, MN
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in commerce of a limited number of sample cigarette lighters as specified in paragraph 8 of this exemption to the Grantee of this exemption and the examination of cigarette lighters or other similar devices by a person other than that identified in § 173.21(i) prior to approval by the Associate Administrator for Hazardous Materials Safety. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
  - c. Party-to status will not be granted to this exemption.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.21(i) in that a lighter and its inner packaging must be examined by the Bureau of Explosives, except as provided herein.

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5. BASIS: This exemption is based on the application of TEN-E Packaging Services dated August 27, 2002, submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated December 16, 2003.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Lighters	2.1	UN1057	N/A

7. Procedures for lighter examination:

a. Lighter and Packaging Examination Criteria:

(1) Flint wheel and gas control lever of the lighters must be properly protected (e.g., blister pack, etc.). If lighters are packed vertically in a plastic tray, a plastic, fiberboard or paperboard partition must be used to prevent friction between the flint wheel and the inner packaging.

(2) Lighters must be placed in an inner packaging that is designed or arranged to prevent movement of the lighters.

b. Weight Loss Test:

(1) Six lighters shall first be stored in a laboratory desiccator for twenty-four hours prior to weighing. After drying, each lighter must be weighed on an analytical balance capable of accurately weighing to one tenth of a milligram (0.0001 grams).

(2) Place all the weighed lighters together in an explosion-proof, controlled-temperature laboratory oven capable of maintaining 100 +/-3°F for 96 continuous hours (4 days).

(3) At the end of 96 hours, remove all the lighters from oven and place in the same laboratory desiccator to cool down before weighing.

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(4) Weigh each lighter again, subtract the original net weight before the oven exposure and determine the net weight differences for each lighter tested.

(5) Any weight losses may be attributable to the gas leaking from the lighters and from the weight change from plastic and/or moisture. If the net weight has increased, the shipper must submit six empty lighters (i.e., lighters of the same design that have never been filled with flammable gas) to run the required test in parallel with six filled lighters. The parallel tests are done to subtract the weight of moisture absorbed in the plastic from the net weight loss to determine the weight loss of the lighters just from gas leakage.

(6) If the net weight loss for any one of the six lighters tested exceeds 20 milligrams (0.020 grams), the lighters of that design are not suitable for transport and the design must be rejected.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where lighters are tested and at each facility where sample lighters are offered for transportation.

b. Lighter samples submitted for examination and testing. Samples of an untested lighter design may be offered for transportation and transported under the following conditions:

(1) Sample lighters may be shipped only by a manufacturer or agent to an authorized testing agency, only after written instructions have been provided by the Grantee.

(2) Each person offering sample lighters for transportation under the terms of this exemption must have a T-number (lighter approval) or must apply to the Associate Administrator for Hazardous Materials Safety for a tentative T-number.

(3) Sample lighters must be placed in an inner packaging that is designed to prevent movement of the lighters. The ignition device and gas control lever of each lighter must be protected against accidental functioning (e.g., a blister pack or tray).

(4) Inner packagings must be further packaged in a box

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or drum that is certified to the Packing Group I performance level;

(5) No more than 12 lighters may be packaged in a single outer packaging;

(6) The word "sample" must appear as part of the proper shipping name or in association with the basic description on each shipping paper; and

(7) Each package must be labeled with the Division 2.1 FLAMMABLE GAS label. In addition, the package must be marked "SAMPLES FOR EXAMINATION AND TESTING (T+AA\*\*\*)." The three asterisks are to be replaced with a unique tracking number which is traceable to the manufacturer or agent submitting the samples and is assigned by the Grantee.

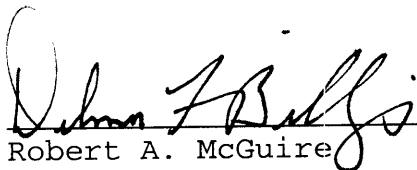
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo aircraft only.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft or motor vehicle used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
  - o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
  - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



*for* Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.  
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: LAVALLE